

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES

IN THE MATTER OF THE APPLICATION OF COOKE)	
AQUACULTURE U.S., INC. TO TRANSFER AN)	FINDINGS OF FACT,
AQUACULTURE LEASE LOCATED SOUTHEAST OF)	CONCLUSIONS OF LAW
TREAT ISLAND IN JOHNSON BAY, EASTPORT)	AND DECISION
WASHINGTON COUNTY, MAINE TO LR ENTERPRISES)	

On June 8, 1999, Cooke Aquaculture U.S., Inc. made application for transfer of an aquaculture lease, granted to Cooke Aquaculture U.S., Inc. on December 30, 1996, to LR Enterprises.

The aquaculture lease allows Cooke Aquaculture U.S., Inc., the right to conduct the cultivation of Atlantic salmon, rainbow trout, and Atlantic halibut, using pen culture techniques, on a 15 acre lease site located southeast of Treat Island in Johnson Bay, Eastport, Washington County, Maine.

Notice of the application was published in the August 1999 issue of Commercial Fisheries News and the July 23, 1999 and August 13, 1999 issues of the Quoddy Tides.

The public and interested parties were given to August 22, 1999 to request a hearing on the application for transfer. No requests for a hearing on the application for transfer were received by the Department either on or before August 22, 1999, or at any time subsequent, up to the date of this decision.

Applications for transfer of interest in aquaculture leases are governed by 12 M.R.S.A. §6072 (12-A), which provides that a lease may be transferred if the transfer is not for speculative purposes.

Section 2.60(C)(3) of the Department of Marine Resources regulation dealing with aquaculture leases, indicates that "speculative purposes" shall be found to exist whenever the owner of a lease to be transferred has not conducted any substantial aquaculture on the lease sites, including, but not limited to, seeding, cultivation, or harvesting organisms.

Based on the information contained in the original application, and evidence taken at the original hearing and the application for transfer, it appears that the transfer for lease interest in this instance will not violate Section 7 or Section 8, nor be for speculative purposes.

Decision

The Commissioner of Marine Resources grants the application of Cooke Aquaculture U.S., Inc. to transfer the lease, granted to Cooke Aquaculture U.S., Inc. by the Department of Marine Resources on December 30, 1996, for 15 acres located southeast of Treat Island in Johnson Bay, Eastport, Washington County, Maine, to LR Enterprises. In assuming this lease, LR Enterprises is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated:

George D. Lapointe (Commissioner)
Department of Marine Resources